

PERFORMANCE STANDARD 24(B)
ADVOCATES' PROFESSIONAL DEVELOPMENT STANDARDS
Effective November 30, 2001

I. The Purpose of These Standards

These standards attempt to chart general guidelines for the development of well-rounded advocates capable of advancing a client's interests in a number of forums and areas. Our intention is build a cadre of poverty law advocates who are comfortable in several arenas even if they later choose to have a primary specialty. By developing program standards and professional development guidelines, and by building a training, mentoring and evaluation structure for their accomplishment, we aim at in infrastructure that will better serve clients by building and retaining committed staff.

Commensurate with the needs of the program and the inclination of the advocate, advocates with less than five years of experience are encouraged to consecutively focus on several of the program's substantive priorities (housing, health, family, income security). An Advocate whose primary job duties consist of intake and referral will be required to develop and maintain sufficient specialized knowledge in those Baylegal substantive priorities in which, supervised by and attorney, she or he provides counsel and advice.

II. Expectations of All Advocates

- A. Every BayLegal advocate is expected to perform at a high level of effectiveness and efficiency, and to produce high quality work.
- B. Every BayLegal advocate is expected to perform at a level that is commensurate with his or her years of legal experience, and to perform at a more sophisticated level of advocacy as they practice longer and the quality of their basic skills improve.
- C. Every BayLegal advocated is expected to take advantage of relevant available training opportunities.
- D. While all advocates work under the supervision of an attorney(s), it is expected that, with experience, an advocate will work more independently in the area(s) of law to which he or she is assigned.
- E. All advocates are expected to contribute to the program and the community in the form of participation in task forces, commissions, community education, etc.

Therefore, every advocate should develop the basic skills to perform the tasks described below:

III. Advocates with up to five years of experience:

Under the supervision of an attorney and more experienced advocates, an Advocate with up to five years of legal services or comparable experience must be able to perform the following:

- A. **All Advocates** are expected:

1. To demonstrate within one year, a basic understanding of the substantive and procedural rules in the area(s) of law to which he or she is assigned and know where and how to find the law governing the relevant substance and procedure, and to develop a more sophisticated understanding of the law and procedure commensurate with his or her additional years of experience; OR with respect to case managers and outreach or education workers, to demonstrate a basic understanding of the subject matter, and of the theory, best practices, and practical knowledge of community and other resources necessary to carry out the duties of the job.
2. To demonstrate a basic understanding of, and comply with, the guidelines set forth in the Advocacy Manual, and other program policies (collective bargaining agreement, sexual harassment prevention policy, time keeping requirements, case management system, relevant grant reporting requirements, etc.)
3. To perform at a high level of effectiveness and efficiency, and to produce high quality work.
4. To be able to work successfully either independently or as a team member, and are expected to share their information, contacts and experience with others in the program.
5. To be computer literate and proficient in the use of office machines.
6. With the assistance of their supervisor, to draft an individual professional development and work plan. While advocates are responsible for seeking out the training and experiences required by these standards, supervisors are responsible for taking reasonable measures to ensure the progressive professional development of staff.
7. To draft work-related articles for the program or unit's annual or quarterly report, or the program's newsletter.
8. Demonstrate knowledge of and involvement in the development of BayLegal's infrastructure (taking part in staff training, fundraising efforts, mastering new technology).

B. Case Handling Advocates will, with respect to clients presenting legal problems within the advocate's substantive legal area, be able to:

1. Effectively interview clients, screen for legal problems requiring attorney or advocate assistance, and be able to provide counsel, advice, brief services or referrals.
2. Conduct basic fact investigations.

3. Perform basic legal research and draft related memoranda.
4. Prepare a plan for prosecuting a relatively straight forward, uncomplicated case
5. Effectively advocate on behalf of clients, including conducting negotiations with government agencies and opposing parties.
6. Represent clients at administrative hearings.
7. Maintain files and correspondence with clients, staying in contact with clients to advise the client of developments in the case.
8. Demonstrate critical thinking and imagination in devising advocacy strategies on behalf of the client.
9. Effect service of process in both court and administrative agency forums as applicable, and observe filing deadlines.
10. Effectively manage time and priorities, establishing or complying with procedures designed to keep track of, and complete work assignments.
11. Maintain an active caseload commensurate with experience and consistent with other duties.
12. Draft written materials and conduct community education in the substantive legal priority area(s) in which the advocate is assigned.
13. Draft necessary hearing briefs, pleadings, discovery documents, declarations, issue memos, and perform other tasks to prepare cases for administrative agency and court proceedings in cases involving represented as well as pro per clients.
14. Prepare for and provide client representation at administrative hearings.

C. Advocates Engaged in Intake and Referral will be able to:

1. Courteously respond to client phone calls and walk-ins in a timely manner and avoid unreasonable delays in providing access to program services.
2. Demonstrate the ability to obtain, through sensitive and courteous questioning of the client, all information necessary to establish eligibility for program services, as well as pertinent case information, without unnecessary repetition by the client.
3. Demonstrate the ability to incorporate and digest all pertinent information into the case management system in a form that that enables a subsequent legal worker to understand and respond to the client's need, and will demonstrate the

ability to add or update information regarding agencies, advocates or resources to which referrals are made.

4. Demonstrate the skill to schedule appointments in a manner that addresses the urgency of the case, the availability of staff and the convenience of the client, and in particular, the ability to identify the need for emergency legal assistance and to communicate the need to the proper staff member to expedite services.
5. Demonstrate a basic understanding of the area of law appropriate to the specific substantive legal priority assigned, including:
 - i. Knowledge of applicable time limits and restrictions that apply to the area of law appropriate to the unit assigned, the ability to identify any problem that the limits or restrictions might cause, and demonstrate the ability to appropriately address the issue.
 - ii. Ability to identify the needs of the client and determine the appropriate course of action, including pro per assistance, self-help or community educational material, scheduling an appointment with a program advocate, or making appropriate referral to alternate resources.
 - iii. Ability to resolve, under the supervision of an attorney, simple or uncomplicated case matters by providing legal counsel and/or brief service.
6. Demonstrate, by the end of two years, a basic understanding of the substantive and procedural rules governing at least two of BayLegal's priority areas of law (housing, family, health, income security) sufficient to carry out the tasks set forth in C(5), above.
7. Demonstrate knowledge of all of the legal services provided by the program and its regional offices, and the ability to identify outside legal and community resources for appropriate referrals and to maintain ongoing relationships with these resources.
8. Demonstrate the ability to develop and maintain a system to track client intake, callbacks, hotlines, and referral agencies, and to identify the assigned legal worker.

D. Advocates Engaged in Providing Direct Case Support to Attorneys will, as directed by the attorney under whom the advocate works, be able to:

1. Effectively interview clients, screen for legal problems requiring attorney or advocate assistance, and be able to provide counsel, advice, brief services or referrals.

2. Conduct basic fact investigations.
3. Perform basic legal research and draft related memoranda.
4. Maintain files and correspondence with clients, staying in contact with clients to advise the client of developments in the case.
5. Effect service of process in both court and administrative agency forums as applicable, and observe filing deadlines.
6. Effectively manage time and priorities, establishing or complying with procedures designed to keep track of, and complete work assignments.
7. Draft necessary pleadings, discovery documents, declarations, issue memos, cite check, format legal documents, and perform other tasks to prepare cases for administrative agency and court hearings, motions, and civil trials.

E. Community Education and Outreach Advocates will be able to:

1. With the assistance of their supervisor and other staff, draft a realistic plan for carrying out the objectives of the education or outreach effort in the relevant time period, including oversight and evaluation of the effort.
2. Develop ongoing relationships with individuals, advocates and community organizations outside of BayLegal who are important for ensuring the success and extension of the education or outreach effort.
3. Develop or obtain training materials, curricula, and written and other materials required by the education or outreach effort.
4. Effectively manage time and priorities, establishing or complying with procedures designed to keep track of, and complete work assignments.

F. Advocates employed as Case Managers will be able to:

1. With the assistance of the supervisor and other staff, suggest and implement modifications of intake, referral and client service systems as necessary to meet the particular needs of the project and enhance the ability of case managers to assist clients.
2. Provide all necessary assistance to clients referred for case management to ensure meeting all client obligations related to the legal problem(s) for which BayLegal's assistance was sought. This will include
 - i. Developing an individual service plan for each client or family,

- ii. Assisting the client in establishing linkages with appropriate social and legal services providers, and
 - iii. Providing on-going case management services to ensure that the client receives the social and legal services set forth in the service plan and does not prematurely terminate their relationship with providers.
- 3. Seek out and obtain related training and training materials to augment the ability of the advocate to better serve clients.
- 4. Assist advocates in preparing client education and informational materials.
- 5. Develop ongoing relationships with individuals, advocates and community organizations outside of BayLegal who are important for ensuring the success and extension of the education or outreach effort.

IV. Advocates II and Advocates with more than Five Years of Experience:

In addition to meeting the expectations required of less experienced advocates, an Advocate II, or any advocate with more than five years of legal services or comparable experience will be able to perform the following:

A. All Advocates:

- 1. Continue to expand her or his knowledge and skills, and performs his or her work more efficiently and effectively.
- 2. Take an active role in policy discussion with other legal service providers, private nonprofits, community task forces, community groups or agencies, etc.
- 3. Draft work-related press releases or articles for print or other media or other media.

B. Case Handling Advocates:

- 1. Maintain a deeper and sophisticated understanding of the substantive and procedural rules in the area(s) of law assigned, including a continued awareness of changes in government agency policy or regulations, legislation and case law.
- 2. Independently prepare for and provide client representation at administrative hearings in the area(s) of law in which the advocate has been assigned.
- 3. Independently investigate facts and conduct extensive legal research, including shepardizing and Westlaw searches, and legislative research and analysis, in his or her substantive legal priority area.

4. Independently draft necessary hearing briefs, pleadings, discovery documents, declarations, issue memos, and perform other tasks to prepare cases for administrative agency and court proceedings in cases involving represented as well as pro per clients.
5. Is adept at spotting legal issues, seeking attorney supervision when appropriate and necessary.
6. Handle an active caseload commensurate with experience and other duties to which assigned.

C. Intake and Referral Advocates

1. Demonstrate, a deeper and sophisticated understanding of the substantive and procedural rules governing at least one of BayLegal's principal priority areas of law (housing, family, health, income security) by the end of five years or upon promotion to Advocate II.
2. Demonstrate a basic understanding of the substantive and procedural rules governing at least four of BayLegal's principal priority areas of law (housing, family, health, income security) by the end of five years or upon promotion to Advocate II, sufficient to perform the following:
 - i. Identifying the most common problems that applicable time limits or restrictions applying to the area of law might cause, and recommending actions to appropriately address the issue.
 - ii. Identifying the legal needs of the client and determine the appropriate course of action, including pro per assistance, self-help or community educational material, scheduling an appointment with a program advocate, or making appropriate referral to alternate resources.
 - iii. Under the supervision of an attorney, resolving simple or uncomplicated case matters by providing legal counsel and brief service.
3. Demonstrate knowledge of all of the legal services provided by the program and its regional offices, and the ability to identify outside legal and community resources for appropriate referrals and to maintain ongoing relationships with these resources.
4. Demonstrate the ability to develop and maintain a system to track client intake, callbacks, hotlines, and referral agencies, and to identify the assigned legal worker.

V. Advocates with more than Seven Years of Experience:

The advocate will be able to perform the tasks expected of an advocate with less experience as set forth above, plus the following:

- A. Maintain and increase his or her understanding of the substantive and procedural rules in the assigned substantive legal priority assigned, including changes and proposed in government agency policy or regulations, legislation and case law. The knowledge should be such that others in the program, as well as other legal service providers and community groups, can contact the advocate for information and problem solving on that subject.
- B. Demonstrate a basic understanding of each of BayLegal's substantive priorities sufficient to identify common legal issues, and knowledge of the available legal resources in the program or community sufficient to make appropriate referrals.
- C. Take a leadership role in policy discussions with other legal service providers, private nonprofits, community task forces, community groups or agencies, etc.
- D. Provide training, technical assistance to and, where appropriate, mentoring less experienced advocates in the program.
- E. Prepare and present a series of community education materials.
- F. Case-handling advocates will maintain an active caseload commensurate with experience and other duties assigned.

VI. Advocates with more than Ten Years of Experience:

The advocate will be able to perform the tasks expected of an advocate with less experience as set forth above, plus the following:

- A. Demonstrate a high level of knowledge and expertise in the assigned substantive priority.
- B. Assume a leadership role in actively and effectively expanding BayLegal's role in improving client's lives and BayLegal's capacities for, and systems to more effectively and efficiently serve clients.
- C. Case-handling advocates will maintain an active caseload commensurate with experience and other duties assigned.